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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2011-530*

11 **Sandra Ebenezer Allen aka Sandra Daisy**
12 **Ebenezer aka Sandra Daisy Allen**

A C C U S A T I O N

13 **9009 E. Broadway Blvd. #412**
14 **Tucson, Arizona 85710-4039**

15 **Registered Nurse License No. 657129**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about May 3, 2005, the Board of Registered Nursing issued Registered Nurse
24 License Number 657129 to Sandra Ebenezer Allen aka Sandra Daisy Ebenezer aka Sandra Daisy
25 Allen ("Respondent"). The Registered Nurse License was in full effect at all times relevant to the
26 charges brought herein and will expire on September 30, 2012 unless renewed.

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JURISDICTION AND STATUTORY PROVISIONS

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws:

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 118 subdivision (b) of the Code grants the Board jurisdiction over suspended, expired, forfeited, cancelled, or surrendered licenses:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Section 2811 subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

7. Section 2761 of the Code, which is part of Article 3 of the Nursing Practice Act, provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action...."

1 8. Section 2762 of the Code provides in pertinent part:

2 "In addition to other acts constituting unprofessional conduct within the
3 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
person licensed under this chapter to do any of the following:

4 (a) Obtain or possess in violation of law, or prescribe, or except as
5 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
6 himself or herself, or furnish or administer to another, any controlled substance as
defined in Division 10 (commencing with Section 11000) of the Health and Safety
Code or any dangerous drug or dangerous device as defined in Section 4022.

7 (b) Use any controlled substance as defined in Division 10 (commencing
8 with Section 11000) of the Health and Safety Code, or any dangerous drug or
9 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
10 in a manner dangerous or injurious to himself or herself, any other person, or the
public or to the extent that such use impairs his or her ability to conduct with safety to
the public the practice authorized by his or her license.

11 (c) Be convicted of a criminal offense involving the prescription,
12 consumption, or self-administration of any of the substances described in
13 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
record pertaining to, the substances described in subdivision (a) of this section, in
which event the record of the conviction is conclusive evidence thereof."

14 COST RECOVERY

15 9. Section 125.3 of the Code provides, in pertinent part, that the Board, Registrar, or
16 Director may request the administrative law judge to direct a licensee found to have committed a
17 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
18 investigation and enforcement of the case.

19 FIRST CAUSE FOR DISCIPLINE

20 (Disciplinary Action by the Alabama Board of Nursing 21 and the Arizona State Board of Nursing)

22 10. Respondent is subject to disciplinary action under Section 2761 subdivision (a)(4) of
23 the Code because the Alabama Board of Nursing ("Alabama Board") and the Arizona State
24 Board of Nursing ("Arizona Board") have both taken disciplinary action against Respondent for
25 illegal drug use. The circumstances of the Arizona Board's disciplinary action are as follows:

- 26 a. On or about June 11, 2008, the Arizona Board approved a Consent Agreement
27 and Order in the disciplinary matter entitled, *In the Matter of Professional*
28 *Nurse License No.: RN118216 Issued to: Sandra Ebenezer Allen, Respondent.*

- 1 b. In the Consent Agreement, the Arizona Board found and Respondent admitted
2 that Respondent had tested positive for marijuana use at a pre-employment
3 drug screen at Medical Express Registry in Westminster, Colorado.
4 Respondent admitted to using marijuana at a party prior to the drug test.
5 c. As a result of Respondent's admitted drug use, the Arizona Board ordered her
6 license placed on probation for eighteen months and imposed probationary
7 conditions requiring Respondent to seek counseling for drug addiction, to
8 undergo regular drug testing, and to abstain from using illegal drugs.

9 11. The circumstances of the Alabama Board's disciplinary action are as follows:

- 10 a. On or about November 10, 2008, Respondent applied to reinstate her Alabama
11 nursing license, which had lapsed. In her application, she disclosed the
12 disciplinary action against her in Arizona and the underlying conduct on
13 which that action was based.
14 b. Based on the disclosures on her license renewal application, on January 2,
15 2009 the Alabama Board entered into a Consent Order with Respondent in the
16 disciplinary matter entitled, *In the Matter of: Sandra Ebenezer Allen License*
17 *No. 1-092939 (Lapsed), Respondent.*
18 c. In the Consent Order, the Alabama Board also found that in November 2001,
19 Respondent had admitted to the Alabama Board that she had been arrested in
20 August 2001 for possession of marijuana, second degree, and in November
21 2001 for domestic violence, third degree. These charges were dismissed
22 pursuant to Respondent completing one year of good behavior, a drug and
23 alcohol evaluation, classes, and three months of drug screening. The Board
24 also made findings about the disciplinary action imposed on Respondent by
25 the Arizona Board, which Respondent had disclosed.
26 d. As a result of her prior arrests and marijuana usage, the Alabama Board
27 approved Respondent's license renewal but placed her on probation for a
28 period to run concurrently with the Arizona Board's probationary period. The

Alabama Board also imposed conditions of probation, including paying a \$300 fine, taking classes on chemical dependency, and submitting to drug testing.

12. Under Section 2761 subdivision (a)(4) of the Code, the placement of Respondent's nursing license on probation by the Arizona and Alabama Boards for drug use are grounds for the Board to take disciplinary action.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

13. By committing the acts set forth in particularity in paragraphs 10 through 12, above, Respondent is subject to disciplinary action on the grounds of unprofessional conduct pursuant to Section 2761 subdivision (a) of the Code.

THIRD CAUSE FOR DISCIPLINE

(Drug-Related Transgression)

14. By committing the acts set forth in particularity in paragraphs 10 through 12, above, Respondent is subject to disciplinary action under Section 2762(a) of the Code for self-administering marijuana, a controlled substance.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 657129, issued to Sandra Ebenezer Allen aka Sandra Daisy Ebenezer aka Sandra Daisy Allen;

2. Ordering Sandra Ebenezer Allen aka Sandra Daisy Ebenezer aka Sandra Daisy Allen to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code Section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: December 15, 2010

Louise R. Bailey
LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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